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KEITH BAKER and LIEN ENFORCEMENT, INC.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

BENJAMIN S. MINER,  
Plaintiff,  
vs.  
KEITH BAKER, LIEN  
ENFORCEMENT, INC.  
Defendants.) Case No: 3:15-cv-02765-JAH-RBB  
DEFENDANTS KEITH BAKER  
AND LIEN ENFORCEMENT,  
INC.'S NOTICE OF MOTION  
AND MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT  
PURSUANT TO FRCP 12(b)(6)  
Judge: Hon. John A. Houston  
Date: March 7, 2016  
Time: 2:30 p.m.  
Courtroom: 13B

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that on March 7, 2016 at 2:30 p.m. or as soon as this matter may be heard in Courtroom 13B of the above-entitled Court located at 333 West Broadway, San Diego, California, Defendants KEITH BAKER and LIEN ENFORCEMENT, INC. (“Defendants”) will and hereby do move to dismiss the Complaint of Plaintiff BENJAMIN SCOTT MINER pursuant to Rule 12 (b)(6) of the *Federal Rules of Civil Procedure*.

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1           The grounds for this Motion are that the Complaint fails to state a claim upon  
2 which relief can be granted. Specifically, the Complaint does not contain facts  
3 sufficient to meet the pleading standards articulated by the Supreme Court in *Bell*  
4 *Atlantic Corp. v. Twombly*, 127 S.Ct. 1955 (2007) (“*Twombly*”) and *Ashcroft v. Iqbal*,  
5 129 S.Ct. 1937 (2009) (“*Iqbal*”).

6           This Motion is based on this Notice, the attached Memorandum of Points and  
7 Authorities, the Proposed Order filed and served concurrently herewith, all papers  
8 and pleadings on file, and on such further oral and documentary evidence that may  
9 be offered at the Motion hearing.

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11           DATED: January 26, 2016

CARLSON & MESSER LLP

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13           By: /s/ Jeanne L. Zimmer  
14           Jeanne L. Zimmer  
15           J. Grace Felipe  
16           Attorneys for Defendants,  
17           KEITH BAKER and LIEN  
18           ENFORCEMENT, INC.  
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